

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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Dale F. Meyer,

Plaintiff,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Michael J. Astrue, Commissioner
of the Social Security Administration,

Defendant.

Civ. No. 09-3205 (MJD/LIB)

* * * * *

Based upon the Report and Recommendation of United States Magistrate Judge Leo I. Brisbois, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

1. Defendants' Motion for Summary Judgment [Docket No. 11] is DENIED.
2. Plaintiff's Motion for Summary Judgment [Docket No. 9] is GRANTED IN PART, for remand for further consideration of whether claimant is entitled to a finding of disability pursuant to sentence four of 42 U.S.C. § 405(g), and DENIED as to an award of benefits.

DATED: February 3, 2011
At Minneapolis, Minnesota

s/Michael J. Davis
Michael J. Davis, Chief Judge
United States District Court